

SCHWEGMAN ■ LUNDBERG ■ WOESSNER

# **United States Patent Application**

## **SUBSTITUTE REISSUE DECLARATION**

As a below named inventor I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I verily believe I am the original, first and joint inventor of the subject matter which is described and claimed in U.S. Patent No. 5,819,034 which was issued on October 6, 1998, and of the subject matter claimed in the broadening reissue patent application filed on even date herewith which reissue patent application corresponds to U.S. Patent No. 5,819,034, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by the amendment filed herewith.

I verily believe the original patent to be wholly or partly inoperative by reason that the original patent claims less than I had the right to claim in the patent. The claims fail to cover embodiments of the invention and inventions as claimed in the above-identified reissue application. Specifically, the original patent claims fail to cover a method comprising presenting information associated with an offering based on a displayed video and an interactive information and causing an order for the offering to be placed in response to a user interaction.

The error arose without any deceptive intention on my part. The error arose during the drafting of the application and during subsequent amendments in connection with the prosecution of the application which resulted in the issuance of the original patent. The error occurred as a result of the attorney prosecuting the application and I failing to appreciate the scope of the invention and/or to properly identify the invention(s). The error was discovered subsequent to issuance of the original patent during a review of the original patent by the assignee and/or its representatives. I further acknowledge my duty to disclose information which is material to the examination of the application under 37 CFR §1.56.

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Number</u>	<u>Filing Date</u>	<u>Status</u>
09/672,523	September 27, 2000	Pending

I hereby appoint the attorneys associated with the customer number listed below to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

**Customer Number: 44367**

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg & Woessner, P.A. to the contrary.

Please direct all correspondence in this case to **Schwegman, Lundberg & Woessner, P.A.** at the address indicated below:  
Customer Number. 44367

---

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Attorney Docket No.: 2050.001US4  
Serial No. 09/903,458  
Filing Date: July 10, 2001

Page 3 of 4

Full Name of joint inventor number 1 : Kuriacose JosephCitizenship: IndiaResidence: Gaithersburg, MDPost Office Address: 16124 Orchard Grove Road  
Gaithersburg, MDSignature: \_\_\_\_\_  
Kuriacose Joseph

Date: \_\_\_\_\_

Full Name of joint inventor number 2 : Ansley Wayne JessupCitizenship: United States of AmericaResidence: Willingboro, NJPost Office Address: 22 Elmwood Lane  
Willingboro, NJ 08046Signature: \_\_\_\_\_  
Ansley Wayne Jessup

Date: \_\_\_\_\_

Full Name of joint inventor number 3 : Vincent DureauCitizenship: FranceResidence: Palo Alto, CAPost Office Address: 3519 S. Court  
Palo Alto, CA 94306Signature: \_\_\_\_\_  
Vincent Dureau

Date: \_\_\_\_\_

Full Name of joint inventor number 4 : Alain DelpuchCitizenship: FranceResidence: Les Essarts Lerol FrancePost Office Address: 34 Parc Des Essarts  
Les Essarts Lerol 78690  
FranceSignature: \_\_\_\_\_  
Alain DelpuchDate: April 11, 2008

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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Attorney Docket No.: 2000.001 USA  
Serial No. 09/903,458  
Filing Date: July 10, 2001

Page 2 of 4

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Attorney Docket No.: 2050.001US4  
Serial No. 09/903.458  
Filing Date: July 10, 2001

Page 3 of 4

Full Name of joint inventor number 1: Kuriacose Joseph  
Citizenship: ~~India~~ UNITED STATES OF AMERICA Residence: Gaithersburg, MD  
Post Office Address: 16124 Orchard Grove Road K.S. 4/14/08  
Gaithersburg, MD

Signature: Kuriacose Joseph Date: 4/14/08  
Kuriacose Joseph

Full Name of joint inventor number 2: Anstey Wayne Jessup  
Citizenship: United States of America Residence: Willingboro, NJ  
Post Office Address: 22 Elmwood Lane  
Willingboro, NJ 08046

Signature: Anstey Wayne Jessup Date: \_\_\_\_\_  
Anstey Wayne Jessup

Full Name of joint inventor number 3: Vincent Dureau  
Citizenship: France Residence: Palo Alto, CA  
Post Office Address: 3519 S. Court  
Palo Alto, CA 94306

Signature: Vincent Dureau Date: \_\_\_\_\_  
Vincent Dureau

Full Name of joint inventor number 4: Alain Delpuch  
Citizenship: France Residence: Les Essarts Leroi France  
Post Office Address: 34 Parc Des Essarts  
Les Essarts Leroi 78690  
France

Signature: Alain Delpuch Date: \_\_\_\_\_  
Alain Delpuch

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Serial No. 09903,458  
Filing Date: July 10, 2001

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